

AMENDED IN SENATE APRIL 12, 2016

SENATE BILL

No. 1090

Introduced by Senator Mitchell

February 17, 2016

An act to amend Sections 120500, 120505, 120510, 120515, 120535, 120540, 120565, 120575, and 120605 of, to add Section 120511 to, and to repeal and add Section 120525 of, the Health And Safety Code, relating to sexually transmitted diseases.

LEGISLATIVE COUNSEL'S DIGEST

SB 1090, as amended, Mitchell. Sexually transmitted diseases: outreach and screening services.

~~Existing law~~

The existing Communicable Disease Prevention and Control Act defines the term “venereal disease” to mean syphilis, gonorrhea, chancroid, lymphopathia venereum, granuloma inguinale, and chlamydia. Existing law requires the State Department of Public Health to develop and review plans and participate in a program for the prevention and control of venereal disease, and authorizes the department to establish, maintain, and subsidize clinics, dispensaries, and prophylactic stations for the diagnosis, treatment, and prevention of venereal disease.

This bill would delete the term “venereal disease” and would instead use the term “sexually transmitted diseases” (STDs), which would be defined as diseases that are primarily transmitted through sexual contact. The bill would require the department, to the extent funds are appropriated by the Legislature, to allocate grants to ~~counties for sexually transmitted disease (STD)~~ local health jurisdictions for STD outreach and screening services. The bill would target and prioritize

the allocation of funds to counties based on population and incidence of STDs and allocate would require the allocation of funds to targeted counties to balance the need to spread funding to as many counties as possible and the need to provide meaningful services to each funded county. If a targeted county declines a grant, the bill would authorize the department to solicit proposals from community-based organizations to provide outreach and screening services. Specified services and would provide that any funding provided to community-based organizations may supplement, but not supplant, the authority of the local health jurisdiction to conduct surveillance and surveillance-based disease intervention for STDs. The bill would make specified mandates and accountability measures would apply applicable to the county of and to the community-based organization when providing the outreach and screening services.

This bill would require the department to authorize innovative and impactful *outreach and screening services*, such as voluntary screening of inmates and wards of county adult and juvenile corrections facilities, and use of state-of-the-art testing modalities. The bill would require the department to use the accountability measures developed under the bill in order to monitor the activities funded by the bill.

The bill would also delete obsolete provisions and make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 120500 of the Health and Safety Code is
- 2 amended to read:
- 3 120500. As used in the Communicable Disease Prevention and
- 4 Control Act (Section 27) “venereal diseases” means syphilis,
- 5 gonorrhea, chancroid, lymphopathia venereum, granuloma
- 6 inguinale, and chlamydia. Act, defined in Section 27, “sexually
- 7 transmitted diseases” means diseases that are primarily
- 8 transmitted through sexual contact.
- 9 SEC. 2. Section 120505 of the Health and Safety Code is
- 10 amended to read:
- 11 120505. The department shall develop and review plans and
- 12 provide leadership and consultation for, and participate in, a

1 program for the prevention and control of ~~venereal disease~~; *sexually*
2 *transmitted diseases*.

3 *SEC. 3. Section 120510 of the Health and Safety Code is*
4 *amended to read:*

5 120510. The department shall cooperate in the prevention,
6 control, and cure of ~~venereal~~ *sexually transmitted* diseases with
7 ~~physicians and surgeons; medical schools; public and private~~
8 ~~hospitals, dispensaries, and clinics; public and private school;~~
9 ~~college and university authorities; penal and charitable institutions;~~
10 ~~reform and industrial schools; detention homes; federal, state, local~~
11 ~~and district health officers, and boards of health, and all other~~
12 ~~health authorities; institutions caring for the mentally ill; and with~~
13 ~~any other persons, institutions, or agencies.~~ *all of the following:*

14 (a) Physicians and surgeons.

15 (b) Medical schools.

16 (c) Public and private hospitals, dispensaries, and clinics.

17 (d) Administrators of public and private elementary and
18 secondary schools and public and private postsecondary
19 educational institutions.

20 (e) Penal and charitable institutions.

21 (f) Detention homes.

22 (g) Federal, state, local, and district health officers, boards of
23 health, and all other health authorities.

24 (h) Institutions caring for the mentally ill.

25 (i) Any other persons, institutions, or agencies.

26 ~~SECTION 1.~~

27 *SEC. 4. Section 120511 is added to the Health and Safety Code,*
28 *to read:*

29 120511. (a) To the extent funds are appropriated by the
30 Legislature for these purposes, the department shall allocate funds
31 ~~to counties~~ *local health jurisdictions* for sexually transmitted
32 disease outreach and screening services in accordance with the
33 following:

34 (1) Counties shall be targeted and prioritized based on
35 population and incidence of sexually transmitted diseases.

36 (2) Funds shall be allocated to targeted counties in a manner
37 that balances the need to spread funding to as many counties as
38 possible and the need to provide meaningful services to each
39 funded county.

(3) Each recipient county shall demonstrate to the department that the county has done all of the following:

(A) Identified priority target populations.

(B) Satisfactorily described its outreach protocols.

(C) Included community-based partners for outreach and screening.

(D) Allocated resources for laboratory costs.

(4) The department shall develop measures for each county funded pursuant to this section to demonstrate accountability.

(5) If a county declines the grant, the department may solicit proposals from community-based organizations to provide outreach and screening services in accordance with the same mandates and accountability measures applicable to the counties pursuant to paragraphs (3) and (4). *Any funding provided to a community-based organization pursuant to this paragraph may supplement, but does not supplant, the authority of a local health jurisdiction to conduct surveillance and surveillance-based disease intervention for sexually transmitted diseases.*

(b) The department shall authorize innovative and impactful outreach and screening services, including, but not limited to, the following:

(1) Voluntary screening for sexually transmitted diseases among inmates and wards of county adult and juvenile correctional facilities.

(2) Social media platforms that allow a person to receive test results, share test results with partners, access treatment ~~services~~ *services*, and reduce administrative costs.

(3) State-of-the-art testing modalities that ensure swift and accurate screening for sexually transmitted diseases.

(4) Community-based testing and disease investigation.

(c) The department shall monitor activities in funded counties, based on the accountability measures required under paragraph (4) of subdivision (a) in order to assess the effectiveness of outreach and screening efforts.

SEC. 5. Section 120515 of the Health and Safety Code is amended to read:

120515. The department shall investigate conditions affecting the prevention and control of ~~venereal~~ *sexually transmitted* diseases and approved procedures for prevention and control, and shall disseminate educational information relative thereto.

1 *SEC. 6. Section 120525 of the Health and Safety Code is*
2 *repealed.*

3 ~~120525. The department may establish, maintain, and subsidize~~
4 ~~clinics, dispensaries, and prophylactic stations for the diagnosis,~~
5 ~~treatment, and prevention of venereal diseases, and may provide~~
6 ~~medical, advisory, financial, or other assistance to the clinics,~~
7 ~~dispensaries, and stations as may be approved by it. No clinic,~~
8 ~~dispensary, or prophylactic station shall be approved unless it~~
9 ~~meets the requirements of the board and complies with its~~
10 ~~regulations.~~

11 *SEC. 7. Section 120525 is added to the Health and Safety Code,*
12 *to read:*

13 120525. The department may provide medical, advisory,
14 financial, or other assistance to organizations as may be approved
15 by it.

16 *SEC. 8. Section 120535 of the Health and Safety Code is*
17 *amended to read:*

18 120535. Any state agency conducting a public hospital shall
19 admit acute-venereal sexually transmitted disease cases, when, in
20 the opinion of the department or the local health officer having
21 jurisdiction, persons infected with-venereal disease a sexually
22 transmitted disease may be a menace to public health.

23 *SEC. 9. Section 120540 of the Health and Safety Code is*
24 *amended to read:*

25 120540. The department may require any physician in
26 attendance on a person-infected infected, or suspected of being
27 infected infected, with a-venereal sexually transmitted disease
28 infection to submit specimens as may be designated for
29 examination, when in its opinion the procedure is reasonably
30 necessary to carry out the provisions and purposes of this chapter.

31 *SEC. 10. Section 120565 of the Health and Safety Code is*
32 *amended to read:*

33 120565. If-any a person subject to proper-venereal sexually
34 transmitted disease control measures discontinues any control
35 procedure required by this chapter, the agency administering the
36 procedure procedure, prior to the-discontinuance discontinuance,
37 shall make reasonable efforts to determine whether the person is
38 continuing to comply with the procedure elsewhere.

39 *SEC. 11. Section 120575 of the Health and Safety Code is*
40 *amended to read:*

1 120575. It is the duty of the local health officers to use every
2 available means to ascertain the existence of cases of infectious
3 ~~venereal~~ *sexually transmitted* diseases within their respective
4 jurisdictions, to investigate all cases that are not, or probably are
5 not, subject to proper control measures approved by the board, to
6 ascertain so far as possible all sources of infection, and to take all
7 measures reasonably necessary to prevent the transmission of
8 infection.

9 *SEC. 12. Section 120605 of the Health and Safety Code is*
10 *amended to read:*

11 120605. ~~Nothing in this~~ *This* chapter shall *not* be construed to
12 interfere with the freedom of any adherent of teachings of any
13 well-recognized religious sect, denomination, or organization to
14 depend exclusively upon prayer for healing in accordance with
15 the teachings of the religious sect, denomination, or organization.
16 ~~Any such~~ *That* person, along with any person treating him or her,
17 shall be exempt from all provisions of this chapter regarding
18 ~~venereal~~ *sexually transmitted* diseases, except that the provisions
19 of this code and the regulations of the board regarding compulsory
20 reporting of communicable diseases and the quarantine of those
21 diseases, and regarding callings that a person with ~~venereal~~ *a*
22 *sexually transmitted* disease may not engage, shall apply.